

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,

Plaintiff,

v.

J. LYNCH, *et al.*,

Defendants.

Case No. 2:23-cv-02145-TLN-JDP (PC)

**FINDINGS AND RECOMMENDATIONS**

THAT THE CLERK OF COURT BE  
DIRECTED TO CLOSE THIS MATTER

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

Plaintiff has filed a complaint, ECF No. 1, and a request to proceed *in forma pauperis*, ECF No. 2. However, plaintiff is a “Three-Striker” within the meaning of Title 28 U.S.C. § 1915(g). *See Miller v. Montgomery*, 2:23-cv-00100-TLN-EFB (PC) (designating plaintiff as a “three-striker”). Accordingly, on February 6, 2024, I recommended that plaintiff’s application to proceed *in forma pauperis* be denied. ECF No. 9. Plaintiff was permitted fourteen days to file objections. *Id.* at 3. I also recommended that plaintiff be directed to tender the filing fee within thirty days of any order adopting my recommendations. *Id.* Plaintiff did not file objections. On March 12, 2024, the district judge adopted my recommendation and ordered plaintiff to tender the filing fee within thirty days. ECF No. 10 at 2. The district judge referred the matter back to me for further pre-trial proceedings. *Id.*

The deadline imposed by the court to tender the filing fee has expired and plaintiff has neither tendered the filing fee nor otherwise responded to the court's orders.

Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this matter.

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, any party may file written  
7 objections with the court and serve a copy on all parties. Such a document should be captioned  
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
9 objections shall be served and filed within fourteen days after service of the objections. The  
10 parties are advised that failure to file objections within the specified time may waive the right to  
11 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);  
12 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: April 29, 2024

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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE